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JWC:2012R00452

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MARYLAND**

FILED
U.S. DISTRICT COURT
DISTRICT OF MARYLAND

2014 JUL 17 P 3:42

CLERK'S OFFICE
APPROPRIATE

UNITED STATES OF AMERICA

v.

RICHARD LEE,

Defendant.

CRIMINAL NO.

JFM-14-02

(Transportation with Intent to Engage in Criminal Sexual Activity, 18 U.S.C. § 2423(a); Receipt of Child Pornography, 18 U.S.C. § 2252(a)(2); Possession of Child Pornography, 18 U.S.C. § 2252A(a)(5)(B); Identification Document Fraud, 18 U.S.C. 1028(a)(1); Production of a Visual Depiction of a Minor Engaged in Sexually Explicit Conduct, 18 U.S.C. § 2251(a); Aiding & Abetting, 18 U.S.C. § 2; Forfeiture, 18 U.S.C. § 2253)

SECOND SUPERSEDING INDICTMENT

COUNT ONE

(Transportation with Intent to Engage in Criminal Sexual Activity)

The Grand Jury for the District of Maryland charges that:

At all times relevant to this Second Superseding Indictment:

INTRODUCTION

1. In October 2011, **RICHARD LEE** ("LEE") was 30 years old and a resident of Baltimore City. T.F., a female, was 16 years old and a resident of Essex, Maryland. T.F. told Lee her true age in November 2011.

2. In or about September and October 2011, **LEE** paid T.F. to have sexual intercourse with him on approximately five separate occasions.

3. On or about October 31, 2011, LEE paid for a bus ticket for T.F. to travel to Florida.

4. LEE took T.F. to a condominium that LEE rented at the Carillon Beach Resort Inn in Panama City, Florida. T.F. stayed at LEE's condo, where LEE provided T.F. with marijuana, other controlled substances, and alcohol.

5. LEE continued to have sexual intercourse with T.F. in Florida, where it is a felony crime for a person of LEE's age to have sex with a 16-year-old.

6. LEE encouraged and enticed T.F. to prostitute on *backpage.com* using a pseudonym that he provided. From on or about December 22, 2011 through on or about January 4, 2012, LEE placed 15 advertisements for T.F. in the "escorts" and "body rubs" sections of *backpage.com* , which he paid for using his personal credit card. LEE drafted the language in the advertisements stating, among other things, that T.F. was an adult.

7. LEE drafted one advertisement captioned,: *"Hi, I'm Tobi! come let the sexiest girl in panama city rock your world! fetish recommended!?"*

8. LEE took sexually provocative photographs of T.F. in lingerie and underwear, some of which he attached to the advertisements. LEE paid for the lingerie that T.F. wore in the *backpage.com* advertisements.

9. LEE rented a second condominium at the Calypso Hotel in Panama City, Florida where LEE told T.F. to perform prostitution with *backpage.com* patrons. T.F. did, in fact, perform both oral and vaginal sex with her patrons and agreed to provide LEE with a percentage of her earnings.

10. On or about January 9, 2012, LEE purchased a bus ticket for T.F., which T.F. used to travel from Florida back to Maryland.

11. In or about January 2012, LEE produced a counterfeit North Dakota state driver's license for T.F., which indicated that she was 22 years old. LEE sent T.F. an email wherein he attached the counterfeit license and stated the following: "your new fake that I made! I gotta do some touching up later, but this will do for now ..."

12. In or about May 2012, LEE purchased a sex toy for T.F., which he instructed her to manipulate while he took pornographic photographs of her inside his residence in Baltimore City, Maryland. The photographs included close-up views of T.F.'s anus and vagina, as well as simulated oral sex. Some of these images were sent by LEE via email over the Internet.

13. On or about June 1, 2012, LEE spoke to T.F. over the phone and said that he would get his "two hours worth," in exchange for which, LEE would help T.F.'s brother who was in jail. LEE was referring to "two hours worth" of sexual intercourse. LEE also sent the following text messages to T.F.:

05/31/12	"You can go fucking work backpage till you die"
05/31/12	"And now your dad knows you are a hooker"
05/31/12	"P.s. I fucked you repeatedly. I maybe sropped 2k on you. I fucking win, whore." [sic]
05/31/12	"Link him to your ter reviews" [sic] "So he can see just how many men fucked your cheap pussy hahaha"
05/31/12	"I fuvked you 100 times" [sic]
05/31/12	"I bought you for ten cents on the dollar you cheap whore"
05/31/12	"Haha nothing left whore? I played you from day one. Enjoy the rest of your life. You are going to be just like your mom, but at least I fucked you in your best years"
05/31/12	"I reported your mom for welfare fraud, you for prostitution..." "So they know you are a 17yr old whore too"
05/31/12	"I want you for two hours. That's 600 bucks worth, basically what you conned me out of."
05/31/12	"I won't hurt you. 2 hours, I take you home, that's the end of it"
06/01/12	"You give me what im owed, or your family is fucked."
06/01/12	"im getting Essex vice involved on you for bodyrubs."
06/01/12	"Until I get what I am owed you bitch this isn't going to end. You can hate me. But I will get what's mine."
06/01/12	"You can end all this on your back, whore."
06/01/12	"Even he knows you are just a whore hahaha"
06/01/12	"So enjoy the cops coming by all the time, and the loss of food stamps. You can end

	all of this on your back in two hours you stupid bitch”
06/01/12	“And I fucked you for 10 cents a fuck”
06/01/12	“... Youll be a crackwhore on backpage in one week.”
06/01/12	“Im getting your mom investigated for welfare fraud, so you'll have to fuck for rent”
06/01/12	“And haha you thought I loved you? Im a better actor than you. I fucked more girls when I was with you than you can believe”
06/01/12	“yoU were just a cheap pussy and ass haha”
06/01/12	“You are just trash. So fucking work as a whore again for two hours, I'll fuck you and laugh about it, and we are done”
06/01/12	“You better think about it carefully. Either you work for 2 hours or your family gets fucked for life.”

14. Federal agents recovered two laptop computers and an external hard drive belonging to **LEE** from his residence in Baltimore, Maryland. The hard drive contained over 600 images of child pornography, as defined by 18 U.S.C. § 2256. Many of the images depicted minors that are less than twelve years old and portrayed sadistic and masochistic conduct. In addition, **LEE**'s computers contained templates designed to be used for the production of counterfeit state driver's licenses, as well as other forged documents.

The Charge

15. On or about October 31, 2011, in the District of Maryland, the Northern District of Florida and elsewhere, the defendant,

RICHARD LEE,

did knowingly transport an individual, who had not attained the age of 18 years, in interstate commerce, with intent that the individual engage in any sexual activity for which any person can be charged with a criminal offense, to wit: the defendant gave a bus ticket to T.F., 16-year old female, to travel from Maryland to Florida with the intent to have sexual intercourse with T.F. in Florida, where it is a crime for anyone older than 23 years to have sexual intercourse with a person 16-years old or younger.

18 U.S.C. § 2423(a)

18 U.S.C. § 2

COUNT TWO
(Transportation with Intent to Engage in Criminal Sexual Activity)

The Grand Jury for the District of Maryland further charges that:

1. The allegations contained in Paragraphs 1 through 14 of Count One are incorporated here.
2. On or about January 11, 2012, in the District of Maryland, the Northern District of Florida and elsewhere, the defendant,

RICHARD LEE,

did knowingly transport an individual, who had not attained the age of 18 years, in interstate commerce, with intent that the individual engage in any sexual activity for which any person can be charged with a criminal offense, to wit: the defendant gave a bus ticket to T.F., a 17-year old female, to travel from Florida to Maryland with the intent to create visual depictions of T.F. engaged in sexually explicit conduct.

18 U.S.C. § 2423(a)

18 U.S.C. § 2


COUNTS THREE and FOUR
(Receipt of Child Pornography)

The Grand Jury for the District of Maryland further charges:

1. The allegations contained in Paragraphs 1 through 14 of Count One are incorporated here.
2. On or about the dates set forth below, in the District of Maryland, and elsewhere, the defendant,

RICHARD LEE,

did knowingly receive any visual depiction using any means and facility of interstate and foreign commerce, and that had been mailed, shipped and transported in and affecting interstate and foreign commerce, and which contained materials which had been so mailed, shipped and transported, by any means including by computer, the production of which involved the use of a minor engaged in sexually explicit conduct, as defined in Title 18, United States Code, Section 2256(2), and such depiction being of such conduct, that is, the defendant received visual depictions on a Western Digital Passbook external hard drive, serial number WXD0A8979612, of minors engaging in sexually explicit conduct, including, but not limited to, the following files:

COUNT	DATE	TITLE
THREE	8/29/09	"PEDO-PTCH-JENNY 9yo daughter-zoo 5yo girl dog and man 2007 se (1).avi."
FOUR	4/28/10	"Taboo-pedo_(PTHC)- 2 8 yo Mexicans preteens with male (hussyfan) (r@ygold) (babyshivid) – music,sound.mpg"
	"1272513716935.jpg" 4/28/10 	"1272513716935.jpg"

18 U.S.C. §§ 2252(a)(2) & 2256

COUNT FIVE
(Possession of Child Pornography)

The Grand Jury for the District of Maryland further charges that:

1. The allegations contained in Paragraphs 1 through 14 of Count One are incorporated here.
2. In or about March 2013, in the District of Maryland, and elsewhere, the defendant,

RICHARD LEE,

did knowingly possess, and attempt to possess, and knowingly access, and attempt to access, with intent to view any material that contained an image of child pornography, as defined in Title 18, United States Code, Section 2256(8)(A), which image had been mailed, shipped, and transported using any means and facility of interstate and foreign commerce and in and affecting interstate and foreign commerce by any means, including by computer, and which was produced using materials that had been mailed, shipped, and transported in and affecting interstate and foreign commerce by any means, including by computer, that is, the defendant did possess printed images of child pornography, including, but not limited to, the following images: i) a young girl with arms and legs bound while she is blind-folded and her legs are spread apart while a large brown dog licks her vagina and while she performs oral sex on an adult male penis; ii) two girls, approximately 7 to 10 years old, naked and performing oral sex on an adult male who subsequently has vaginal intercourse with one girl, and iii) an adult male holding an erect penis and ejaculating on a toddler.

18 U.S.C. §§ 2252A(a)(5)(B) & 2256

COUNT SIX
(Identification Document Fraud)

The Grand Jury for the District of Maryland further charges that:

1. The allegations contained in Paragraphs 1 through 14 of Count One are incorporated here.

2. In or about January 2012, in the District of Maryland, and elsewhere, the defendant,

RICHARD LEE,

knowingly and without lawful authority produced an identification document and false identification document and the production was in and affecting interstate commerce, including the transfer of a document by electronic means; to wit, the defendant produced a false identification document in the form of a North Dakota driver's license.

18 U.S.C. §§ 1028(a)(1), (b)(1)(A)(ii), and (c)(3)(A).

COUNT SEVEN

(Production of a Visual Depiction of a Minor Engaged in Sexually Explicit Conduct)

The Grand Jury for the District of Maryland further charges that:

1. The allegations contained in Paragraphs 1 through 14 of Count One are incorporated here.

2. In or about May 2012, in the District of Maryland, and elsewhere, the defendant,

RICHARD LEE,

did knowingly employ, use, persuade, induce, entice, and coerce T.F., a minor, and did knowingly transport T.F. in and affecting interstate commerce, with the intent that such minor engage in any sexually explicit conduct or the purpose of producing any visual depiction of such conduct, knowing and having reason to know that such visual depiction would be transmitted using any means and facility of interstate and foreign commerce, and knowing and having reason to know that such visual depiction would be transmitted in and affecting interstate and foreign commerce, and produced and transmitted using materials that have been mailed, shipped, and transported in and affecting interstate and foreign commerce by any means, including by computer; to wit, the defendant produced sexually explicit visual depictions of T.F.

18 U.S.C. § 2251(a)

FORFEITURE

1. The allegations contained in Counts Three, Four, Five and Seven of this Second Superseding Indictment are incorporated here for the purpose of alleging forfeitures pursuant to Title 18, United States Code, § 2253.

2. Pursuant to Title 18, United States Code, § 2253, upon conviction of an offense in violation of Title 18, United States Code, §§ 2251 and 2252, the defendant,

RICHARD LEE,

shall forfeit to the United States of America:

a. Any visual depiction described in Title 18, United States Code, §§ 2251, 2251A, or 2252, or any book, magazine, periodical, film, videotape, or other matter which contains any such visual depiction, which was produced, transported, mailed, shipped or received in violation of Title 18, United States Code, Chapter 110;

b. Any property, real or personal, constituting or traceable to gross profits or other proceeds obtained from the offense; and

c. Any property, real or personal, used or intended to be used to commit or to promote the commission of the offense.

3. The property to be forfeited includes, but is not limited to an Apple MacBook Pro Model A1278, serial number C02GH44PDRJ7; a MacBook Model A1181, serial number W8T218G7YA3; and a Western Digital external Passbook hard drive, serial number WXD0A8979612, and any property traceable to such property.

4. If any of the property described above, as a result of any act or omission of the defendant:

a. has been placed beyond the jurisdiction of the court;

b. has been substantially diminished in value; or

c. has been commingled with other property which cannot be divided without difficulty, the United States of America shall be entitled to forfeiture of substitute property pursuant to Title 21, United States Code, § 853(p), as incorporated by Title 18, United States Code, § 2253(b) and by Title 28, United States Code, § 2461(c).

18 U.S.C. § 2253; F.R.Crim.P. 32.2(a)

Rod J. Rosenstein by moc
Rod J. Rosenstein
United States Attorney

A TRUE BILL:

SIGNATURE REDACTED

Foreperson

7-17-14
Date